

LOUISIANA BOARD OF ETHICS  
MINUTES  
March 16, 2018

The Board of Ethics met on March 16, 2018 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bruneau, Dittmer, Lavastida, Leggio, McAnelly, Meinert, Mouton-Allen and Smith present. Absent was Board Member Brandon. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Suzanne Mooney, Brett Robinson, and Greg Thibodeaux.

The Board considered a request for reconsideration in Docket No. 17-682 for a waiver of the \$1,500 late fee assessed against John Mark Coghlan, a member of the Zachary City Council, District 3 in East Baton Rouge Parish, for filing his 2015 Tier 3 Annual personal financial disclosure statement 94 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the April meeting.

The Board considered a request in Docket No. 18-100 for a waiver of the \$2,500 late fee assessed against Barbara Reich Freiberg, a member of the East Baton Rouge Parish Metro Council, District 12, for filing her amended 2016 Tier 2 Annual personal financial disclosure statement 92 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the April meeting.

Ms. Tiffany Gautier Chase, a candidate for Judge, Court of Appeal, 4th Circuit, 1st District, Division B, Orleans Parish, in the October 14, 2017 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-116 for a waiver of the \$1,000 late fee assessed against her and her committee's

chairperson, E. John Litchfield, and treasurer, Lorie Gie, for filing the Special (48 Hour) campaign finance disclosure report 10 days late. After hearing from Ms. Chase, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Charles J. Breaux Jr., a member of the Workforce Development Board, appeared before the Board in connection with a request in Docket No. 17-1361 for a waiver of the \$1,500 late fee assessed against him for filing his amended 2015 Tier 2.1 Annual personal financial disclosure statement 195 days late. After hearing from Mr. Breaux, on motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee.

Ms. Kimberly Lavon Wright Burbank, with the New Orleans Regional Business Park, appeared before the Board in connection with a request in Docket No. 18-024 for a waiver of the \$800 late fee assessed for filing her 2015 Tier 2.1 Annual personal financial disclosure statement 16 days late; the \$50 late fee assessed for filing her amended 2015 Tier 2.1 Annual personal financial disclosure statement 1 day late; and, the \$400 late fee assessed for filing her 2016 Tier 2.1 Annual personal financial disclosure statement 8 days late. After hearing from Ms. Burbank, on motion made, seconded and unanimously passed, the Board waived the \$800 late fee in connection with the 2015 Tier 2.1 Annual personal financial disclosure statement and the \$50 late fee in connection with the amended 2015 Tier 2.1 Annual personal financial disclosure statement and declined to waive the \$400 late fee in connection with the 2016 Tier 2.1 Annual personal financial disclosure statement but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Ethics.

On motion made, seconded and unanimously passed, the Board agreed to take action on items

G4-G10 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G4-G10, excluding Item G6, taking the following action:

Adopted an advisory opinion in Docket No. 18-055 concluding that no violation of the Code of Governmental Ethics is presented by the employment of the granddaughter of Darlene Landry, Assumption Parish Clerk of Court, by the Clerk's office, since a granddaughter is not an immediate family member as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 18-056 concluding that no violation of the Code of Governmental Ethics is presented by Marion Fox, if elected as a state representative, maintaining her current position and employment as Director of the Jefferson Davis Parish Economic Development Commission and Director of the Jefferson Davis Parish Tourist Commission. However, the Board suggested that the Attorney General's Office should be contacted for advice associated with the Dual Office Holding laws.

Adopted an advisory opinion in Docket No. 18-096 concluding that no violation of the Code of Governmental Ethics is presented by the Town of Livonia doing business with Livonia Auto Repair, LLC, which is owned by the brother of Councilman Gregory Jarreau. The Board further approved the disclosure plan submitted by the Town of Livonia, since the plan meets the requirements of Section 1123(22) of the Code of Governmental Ethics.

Approved the disqualification plan submitted in Docket No. 18-111 by Lauren Berthelot, Finance Director for the City of Plaquemine, and Mayor Edwin Reeves regarding payments for transactions between Berthelot's Automotive and the City of Plaquemine.

Adopted an advisory opinion in Docket No. 18-112 concluding that Section 1119A of the Code of Governmental Ethics prohibits the employment of Erin Hollis as a registered nurse within the Emergency Department at Franklin Foundation Hospital in St. Mary Parish while her sister-in-law, Vickie Sutton, serves as the head of the Emergency Department, since Ms. Hollis is the spouse of Ms. Sutton's half-brother.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 18-113 regarding whether a company in which a board member has a 30% ownership interest may enter a lease with his board, since the board member has divested himself of all interest in the company.

Deferred to the April meeting, consideration of a request for an advisory opinion in Docket No. 18-057 from the New Orleans Redevelopment Authority as to whether it is permissible for a current member of the Board to purchase immovable property owned by the agency.

In connection with an Answer submitted in Docket No. 17-1110 by Elizabeth Pittman-McDaniel, a member of the Tangipahoa Parish School Board, in response to the receipt of a Notice of Delinquency requesting that she file her 2016 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Ms. Pittman-McDaniel's family that she is not required to file the 2016 and 2017 Tier 2 Annual personal financial disclosure statements based on her health issues.

In connection with an Answer submitted in Docket No. 18-023 by Iola Martin, St. Helena Parish Constable, Ward 3, in response to the receipt of a Notice of Delinquency requesting that she amend her 2016 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Ms. Martin that she is not required to disclose her ex-husband's information on her 2016 Tier 2 Annual personal financial disclosure statement, since she provided a judgment of divorce dated February 3, 2016.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the February 15-16, 2018 meetings.

The Board considered a proposed consent opinion in Docket No. 15-618 regarding Rachel Turnage, former office manager of St. Bernard Recreation Complex, Inc.(SBRCI), improperly authorizing checks and transferring money into her personal account. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Rachel Turnage agrees that (1) a violation of Sections 1111A and 1112A of the Code of Governmental Ethics occurred by depositing one hundred sixty-eight (168) checks totaling \$39,239 made payable to St. Bernard Parish Government or SBRCI into her personal bank account; (2) a violation of Sections 1111A and 1112A of the Code of Governmental Ethics occurred by altering and depositing eight (8) checks totaling \$19,000 from SBRCI's bank account into her personal bank account; (3) a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by issuing five (5) checks to her sister, Amanda Bray, totaling \$1,380 for work as a concession worker from SBRCI; and, (4) a violation of Sections 1111A, 1112A and 1112B(1) of the Code of Governmental Ethics occurred by receiving and depositing cash into her and her husband's joint personal bank account which she was not duly entitled to receive for the performance of her job duties and responsibilities and in which Ms. Turnage agrees to pay a fine of \$1,000 and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due. The Board further dismissed the charges against Rachel Turnage.

The Board considered a request for an advisory opinion in Docket No. 17-1332 regarding whether Reliant Technologies, Inc., a manufacturer located in the City of Port Allen in West Baton

Rouge Parish, may seek an exemption from ad valorem taxation while Barry Huggins, part owner of Reliant Technologies, Inc., serves as a member of the West Baton Rouge Parish Council. On motion made, seconded and passed by a vote of 5 yeas by Board Members Bruneau, Dittmer, Lavastida, Leggio and Mouton-Allen and 3 nays by Board Members McAnelly, Meinert and Smith, the Board concluded that based on the particular facts provided, Reliant Technologies, Inc. is not prohibited from seeking an exemption from ad valorem taxation while Barry Huggins serves as a member of the West Baton Rouge Parish Council provided he avoids all participation in the resolution issued by the West Baton Rouge Parish Council.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart, excluding Docket Nos. 17-1183, 17-1351, 18-048, 18-116 and 18-117 taking the following action:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 18-052 from Timothy David Ray of a \$240 late fee;  
Docket No. 18-115 from Johnell Matthews of a \$780 late fee; and,  
Docket No. 18-127 from Joseph Patrick Chamberlain of a \$60 late fee.

The Board unanimously waived the late fees assessed against the following:

Docket No. 17-1356 from Janice Miller of a \$600 late fee and a \$1,020 late fee; and,  
Docket No. 18-051 from D. Nicole Sheppard of a \$200 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board

considered a request in Docket No. 18-050 for a waiver of the \$1,000 late fee assessed against Charles F. Wartelle, a candidate for District Judge, 22nd Judicial District Court, Division E, St. Tammany & Washington Parishes, in the October 14, 2017 election, for filing the 30-P campaign finance disclosure report 11 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,000 late fee pursuant to Rule 1205D.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-052 for a waiver of the \$540 late fee assessed against Timothy David Ray, a candidate for Orleans Parish Council, District B, in the October 14, 2017 election, and his committee's treasurer, Krystal Ancar, for filing the Special (48 Hour) campaign finance disclosure report 9 days late. On motion made, seconded and unanimously passed the Board declined to waive the \$540 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-127 for a waiver of the \$510 late fee assessed against Joseph "Jody" Patrick Chamberlain, a candidate for City Marshal, City Court, City of Oakdale, Allen Parish, in the October 14, 2017 election, for filing the Special (48 Hour) campaign finance disclosure report 16 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$510 late fee but suspended \$310 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-1183 for a waiver of the \$400, \$400, \$240 and \$1,000 late fees assessed against Aaron Lee Moak, a candidate for Council Member, City of Central, East Baton

Rouge Parish, in the March 27, 2010 and April 5, 2014 elections, for filing the 2011 Supplemental, 2015 Supplemental, 10-G and 2015 Supplemental campaign finance disclosure reports 729, 365, 6 and 365 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,040 but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-1351 for a waiver of the \$2,000 late fee assessed against Edward M. Morris, a candidate for Judge, Civil District Court, Division J, Orleans Parish in the October 14, 2017 election, and his committee's chairperson, Nadiyah Morris, and treasurer, Leslie Ray, for filing the 10-G campaign finance disclosure report 20 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-048 for a waiver of the \$2,400 late fee assessed against the Truth in Government, a political action committee, its committee's chairperson, Glynn Durand, and treasurer, Maurice Williams, for filing the 10-G campaign finance report 12 days late in connection with the October 14, 2017 election. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,400 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-117 for a waiver of the \$500 late fee assessed against Morris W. Reed, a candidate for Judge, Civil District Court, Division J, Orleans Parish in the October 14, 2017 election, for filing the 10-G campaign finance disclosure report 5 days late. On motion made,

seconded and unanimously passed, the Board declined to waive the \$500 late fee.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Personal Financial Disclosure Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Personal Financial Disclosure waiver chart, excluding Docket Nos. 17-1361, 17-1405, 18-024 and 18-103, taking the following action:

The Board considered a request in Docket No. 17-974 for a waiver of the \$1,500 late fee assessed against Kayla Michelle Henry, Gueydan Chief of Police in Vermilion Parish, for failure to file her 2015 Tier 3 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee, since Ms. Henry timely responded to the Notice of Delinquency; however, her fax came through as blank which was confirmed by the agency’s IT Department. Ms. Henry has since filed a legible copy of the 2015 Tier 3 Annual personal financial disclosure statement.

The Board considered a request in Docket No. 17-1247 for a waiver of the \$350 late fee assessed against Robert Jamiel Fisher, a former member of the Louisiana Community and Technical College, for filing his 2015 Tier 2.1 Annual personal financial disclosure statement 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$350 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics, since Mr. Fisher is no longer a member of the board and it was his first late filing.

The Board considered a request in Docket No. 17-1295 for a waiver of the \$1,500 late fee

assessed against Ruthie L. Vernon, a member of the Roseland Board of Aldermen in Tangipahoa Parish, for filing her 2016 Tier 3 Annual personal financial disclosure statement 106 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,100 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics and with the offer of a payment plan.

The Board considered a request in Docket No. 18-099 for a waiver of the \$1,500 late fee assessed against Deborah Hunt Simonson, a member of the Louisiana Board of Pharmacy, for filing her amended 2015 Tier 2.1 Annual personal financial disclosure statement 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics, since it was Ms. Simonson's first late filing and it involved an amendment regarding disclosure of public income.

The Board considered a request in Docket No. 18-101 for a waiver of the \$1,250 late fee assessed against Tanya Lynn Doucet, a member of the Washington Town Council, District 3 in St. Landry Parish, for filing her amended 2016 Tier 3 Candidate personal financial disclosure statement 25 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,250 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics, since it was Ms. Doucet's first late filing and it involved an amendment.

The Board considered a request in Docket No. 18-102 for a waiver of the \$750 late fee assessed against Thomas H. "Tommy" Hill Sr., a member of the Benton Board of Aldermen, District 5 in Bossier Parish, for filing his 2016 Tier 3 Annual personal financial disclosure statement 15 days

late. On motion made, seconded and unanimously passed, the Board declined to waive the \$750 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics, since it was Mr. Hill's first late filing.

The Board considered a request in Docket No. 17-1405 for a waiver of the \$2,500 late fee assessed against Charles Clack, Caldwell Parish Coroner, for failing to file his amended 2016 Tier 2 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee, since Mr. Clack had not filed the amendment and also had three late filings.

The Board considered a request in Docket No. 18-103 for a waiver of the \$700 late fee assessed against Bradley Wayne "Brad" Harris, a member of the Beauregard Parish Police Jury, District 4A, for filing his 2016 Tier 3 Annual personal financial disclosure statement 14 days late. On motion made, seconded and unanimously passed, the Board waived the \$700 late fee based on the particular circumstances.

The Board considered a request in Docket No. 17-1302 for a waiver of the \$350 late fee assessed against Milton Coats, a member of the West Feliciana Parish School Board, for filing his 2017-2018 School Board Disclosure Statement 7 days late. On motion made, seconded and unanimously passed, the Board waived the \$350 late fee, since it was Mr. Coats' first late filing.

The Board considered a request in Docket No. 18-025 for a waiver of the two (2) \$1,500 late fees assessed against Cullen Kovac, a member of the West Carroll Parish School Board, for filing his 2016-2017 School Board Disclosure Statement 445 days late and for filing his 2017-2018 School Board Disclosure Statement 51 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee in connection with the 2016-2017 School Board Disclosure

Statement and declined to waive the \$1,500 late fee in connection with the 2017-2018 School Board Disclosure Statement, since Mr. Kovac's has two late filings. The Board further instructed the staff to offer Mr. Kovac a payment plan.

The Board considered a request in Docket No. 18-026 for a waiver of the \$1,500 late fee assessed against John Brown, Sr., a member of the Orleans Parish School Board, for filing his 2017-2018 School Board Disclosure Statement 76 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board unanimously agreed to take action on the requests for reconsideration of late fees assessed against individuals contained in Item G20 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in G20 taking the following action:

The Board considered a request for reconsideration in Docket No. 17-009 for a waiver of the \$500 late fee assessed against Chandra Scarber, a member of the Crawfish Promotion and Research Board, for filing her 2015 Tier 2.1 Annual personal financial disclosure statement 10 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 17-790 for a waiver of the \$1,500 late fee assessed against Michael Henry Stelly II, the Merryville Chief of Police in St. Landry

Parish, for filing his 2015 Tier 3 Annual personal financial disclosure statement 105 days late. On motion made, seconded and unanimously passed, the Board (1) declined to waive the \$1,500 late fee in connection with the 2015 Tier 3 Annual personal financial disclosure statement but suspended \$500 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics and with the offer of a payment plan; and, (2) declined to waive the \$1,500 late fee assessed for failure to file the amendment to his 2014 Tier 3 Annual personal financial disclosure statement and with the offer of a payment plan.

The Board considered a request for reconsideration in Docket No. 17-960 for a waiver of the \$2,500 late fee assessed against Melinda Leblanc Bourgeois, a member of the Jefferson Parish School Board, District 4, for failing to file her amended 2015 Tier 2 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for reconsideration in Docket No. 17-1001 for a waiver of the two (2) \$1,000 late fees assessed against William Lawson, a candidate for Chief of Police, City of Walker, Livingston Parish in the November 8, 2016 election, for filing his 10-G and 2016 Supplemental campaign finance disclosure reports 429 and 352 days late. On motion made, seconded and unanimously passed, the Board declined to waive the two (2) \$1,000 late fees but suspended the late fees totaling \$2,000 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for reconsideration in Docket No. 17-1162 for a waiver of the \$1,050 late fee assessed against Mohammad Suleman, M.D., a member of the State Board of

Practical Nurse Examiners, for filing his 2015 Tier 2.1 Annual personal financial disclosure statement 272 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to suspend all but \$1,050 of the assessed \$1,500 late fee conditioned upon future compliance with the reporting requirements under the Code of Ethics. The \$1,050 is payable within 30 days and if payment is not received within 30 days, the full amount of the late fee becomes due and owing.

The Board considered a request for reconsideration in Docket No. 17-1243 for a waiver of the \$1,500 late fee assessed against Ron G. Carr, a member of the Central Louisiana Human Services District, for failing to amend his 2015 Tier 2.1 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 17-1298 for a waiver of the \$1,500 late fee assessed against Alisa Dunklin, a former member of the South Central Louisiana Human Services Authority, for failing to file her amended 2014 Tier 2.1 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered proposed legislation for the 2018 Regular Legislative Session which will affect the laws administered by the Board of Ethics, including the Code of Governmental Ethics, the Campaign Finance Disclosure Act, and the Legislative, Executive and Local Lobbying Disclosure Acts. Following a review and discussion of the proposed legislation chart, on motion made, seconded and unanimously passed, the Board took the following positions on the House bills:

HB 7	Support
HB 53	Support
HB 59	No Position
HB 85	Support
HB 86	No Position
HB 188	Support
HB 346	Support
HB 420	No Position

Board Member Meinert was excused from the meeting at 11:19 a.m.

The Board recessed at 11:19 a.m. and resumed back into general business session at 11:29 a.m.

Following a review and discussion of the proposed legislation chart, on motion made, seconded and unanimously passed, the Board took the following positions on the Senate bills:

SB 25	Support
SB 41	Support
SB 44	No Position
SB 121	Oppose
SB 352	No Position
SB 376	Oppose
SB 419	Support

The Board unanimously adjourned at 12:01 p.m.

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Secretary

APPROVED:

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Chairman

